

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CESAR MARTINEZ; and)	
ALONZO RODRIGUEZ,)	
)	
Plaintiffs,)	No. 07 C 422
)	
vs.)	
)	JUDGE FEINERMAN
CITY OF CHICAGO, et al.)	
)	Magistrate Judge Schenkier
Defendants.)	

JOINT STATUS REPORT

Pursuant to this Court's order dated September 16, 2010, the parties submit the foregoing joint status report.

A. Nature of the Case.

1. Attorneys of Record: Mary McCahill, Julia S. Bruce and Christopher A. Wallace, on behalf of Defendants Javier Avalos, Martin Acevedo and the City of Chicago. Lawrence V. Jackowiak, Louis Meyer, Adele D. Nicholas and Daniel Kiss on behalf of Plaintiffs Cesar Martinez and Alonzo Rodriguez.
2. Basis for Jurisdiction: Plaintiffs invoke federal jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1367 as this lawsuit is brought pursuant to 42 U.S.C. 1983 with pendent state law claims.
3. Nature of Claims: False Arrest, Excessive Force and Malicious Prosecution.
4. Principle Legal and factual issues.

Legal Issues: (a). False Arrest - whether Officer Avalos and Officer Acevedo violated Plaintiffs' Fourth Amendment rights in arresting them on May 17, 2005; (b). Excessive Force - whether the force used in effecting the arrest was objectively reasonable under the circumstances. (c). Malicious Prosecution - whether Officer Avalos and Officer Acevedo maliciously prosecuted Plaintiffs.

Factual Issues: (1) The circumstances relating to the parties' conduct during the traffic stop on May 17, 2005, including whether on May 17, 2005, Plaintiffs were engaged in unlawful conduct, including whether Alonzo Rodriguez was driving under the influence of

drugs/alcohol, whether there were open bottles of alcohol in the car, whether Alonzo Rodriguez was legally driving the vehicle, whether or not Alonzo Rodriguez and Cesar Martinez resisted arrest/battered Officers Acevedo and Avalos; and whether Officer Avalos and Officer Acevedo used excessive force in apprehending Alonzo Rodriguez and Cesar Martinez; (3) the nature and extent of Plaintiffs' claimed injuries.

B. Proceedings to Date & Discovery.

- The parties have completed discovery.
- The latest Status Report is attached hereto as Exhibit 1.

C. Trial.

- The parties have each demanded a trial by jury.
- A pretrial order has not been filed.
- The trial date (2/14/10) and final pre-conference date (1/21/11) were stricken by Judge Dow's order of 9/14/10.
- Under Judge Dow's order dated 7/21/10 (Docket Entry 151):
 1. Deadline for submitting the pretrial order: 12/9/10
 2. Responses to Motions in Limine: 12/23/10
 3. Replies to Motions in Limine: 1/7/11

After consultation, the parties propose the following dates for trial:

- February 28, 2011; or
- April 24, 2011.

D. Settlement.

- The parties have exhausted settlement discussions at this juncture in the litigation.

E. Magistrate Judge.

- The parties do not consent to proceed before the magistrate judge.
- All matters referred to the magistrate have been concluded.

Respectfully submitted,

/s/ Louis J. Meyer
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/s/ Christopher A. Wallace
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CERTIFICATE OF SERVICE

I, Christopher Wallace, hereby certify that on Friday, Sept. 24, 2010, I caused a copy of the parties' Joint Status Report to be served via the Court's ECF system upon all counsel of record.

/s/ Christopher Wallace
Christopher Wallace